

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2007-000213

03/21/2007

HON. ROSA MROZ

CLERK OF THE COURT

C. Danos/J. Matlack

Deputy

MISTY MCKEE

DAVID D WHITE

AND

NICK E MCKEE

JOHN E BURGER

FAMILY COURT SERVICES-CCC

MINUTE ENTRY

Courtroom 603

11:00 a.m. This is the time set for Resolution Management Conference. Petitioner/Wife is present with counsel, David D. White. Respondent/Husband is present with counsel, John E. Burger.

A digital audio recording of this proceeding is being made by the "For the Record" recording system in lieu of a court reporter.

Discussion ensues among counsels and the Court.

Counsels advise the Court that the parties have reached agreement on all issues and are prepared to stipulate to temporary orders.

Both parties are sworn.

Father's attorney recites the parties' agreement for the Court.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2007-000213

03/21/2007

The Court reiterates the stipulated agreement reached by the parties and confirms the agreement with the parties.

The parties state they are in agreement with the stipulation as stated on the record.

Accordingly,

IT IS ORDERED on a temporary basis, Husband will provide to Wife \$1,800.00 as and for temporary spousal maintenance, as well as making her monthly Yukon car payment of approximately \$600.00, including Onstar, through December 31, 2007. Wife is free to argue at the time of trial regarding the length of time that the spousal maintenance should be awarded beyond December 31, 2007. Husband will have exclusive use of the marital residence, and will be taking care of four of the six dogs. He shall continue to make Wife's health insurance and car insurance payments until further order of the Court. The Court notes that the car insurance has been paid up through August 2007. Husband will continue to make the minimum payments on the community credit cards debts, including the credit card used by Wife to pay her attorney's fees (approximately \$9,000). Husband has provided Wife with the documents on the nature and extent of the community property and community debts. The parties will need an appraisal on the marital residence and agree to use Zack Bunch. The payment of Zack Bunch's fees will be made via the second line of credit on the marital home. Wife further agrees to give Husband a 30 day extension on here discovery request, which was originally due on April 2, 2007.

THE COURT FINDS that the parties' agreements are not a result of coercion, are fair and equitable and are in the best interests of the minor child(ren), and that they have knowingly and voluntarily entered into a binding Rule 69 agreement, which will be enforceable by the Court. Accordingly,

IT IS ORDERED approving and adopting the agreements of the parties, pursuant to Rule 69, Arizona Rules of Family Law Procedure.

TRIAL SETTING

Both parties agree that a Trial of 3 hours is sufficient to resolve all of the remaining issues in this case.

IT IS ORDERED setting Trial to the Court on August 6, 2007 at 1:30 p.m. (time allotted: 3 hours) in this division before:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2007-000213

03/21/2007

**Honorable Lisa Flores
Central Court Complex
201 West Jefferson
6th Floor, Courtroom 603
Phoenix, Arizona 85003**

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), *Arizona Rules of Family Law Procedure*, each party will be allowed **80 minutes** presumptive time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

DISCLOSURE/DISCOVERY

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, *Arizona Rules of Family Law Procedure*, including an exchange of all relevant information, documents and exhibits **at least 30 days prior to trial**.
2. All depositions and discovery contemplated by Rules 49 through 65, *Arizona Rules of Family Law Procedure*, shall be completed and any motions regarding discovery shall be filed **at least 15 days prior to trial**.
3. Counsel and both parties shall personally meet, face to face, at least **ten (10) days** prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2007-000213

03/21/2007

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

JOINT PRE-TRIAL STATEMENT

IT IS ORDERED that the parties shall file and provide this Division with a copy of a **Joint** Pretrial Statement pursuant to Rule 76, *Arizona Rules of Family Law Procedure*, no later than **5 days prior to trial**.

IT IS FURTHER ORDERED that the Joint Pretrial Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.
5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.
6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2007-000213

03/21/2007

8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), *Arizona Rules of Family Law Procedure*.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), *Arizona Rules of Family Law Procedure* and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

EXHIBITS

IT IS ORDERED that, if either party has more than 5 exhibits to be marked, arrangements shall be made with the Clerk of this Division **at least five (5)** days prior to trial to schedule a time to deliver said exhibits to the Clerk. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

FINDINGS OF FACT

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, *Arizona Rules of Family Law Procedure*, **shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial.** Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

SETTLEMENT

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, *Arizona Rules of Family Law Procedure*.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2007-000213

03/21/2007

NOTE: Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

POSTPONEMENTS AND SCHEDULE CHANGES

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division three (3) court business days before the scheduled hearing.

11:16 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.

IT IS FURTHER ORDERED signing this minute entry as a formal written order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/ s / HON. ROSA MROZ

JUDICIAL OFFICER OF THE SUPERIOR COURT